

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SYLVESTER JAMES MAHONE,

Plaintiff,

v.

PAT MCCARTHY, et al.,

Defendants.

CASE NO. C14-5812 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 76. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**.

(2) Plaintiff failed to sufficiently rebut Defendants’ summary judgment showing regarding his Eighth Amendment claims and failed to raise a genuine issue of material fact to establish that Defendants acted with deliberate indifference to his health and safety. Defendants’ motion for summary judgment (Dkt. 57) is **GRANTED** pursuant to Rule 56 of the Federal Rules of Civil Procedure and this case is closed.

Dated this 6th day October, 2016.



BENJAMIN H. SETTLE  
United States District Judge